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Opening the New Street Almirah: The Properties of Culture in British India

Dr. Kriti Kapila

Lecturer in Anthropology and Law

King's India Institute

King's College, London WC2R 2LS

United Kingdom

Abstract:

This paper is based on archival documents related to disputes surrounding objects from British India destined for the Great Exhibitions of 1851 and 1862. Disputes emerged around ownership and dispositional control between colonial officials and the original owners as to whether these objects were a loan or gift to the colonial state, a consignment for international trade, or a contribution to the Exhibitions, but were ultimately designated *res nullius* through theft and misappropriation. In following their contested journeys with an anthropological lens the paper reveals the numerous exchange strategies though which ownership was erased and re-inscribed, thereby providing the colonial state a domain made of 'res' or things, through which it could consolidate its sovereignty.

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Introduction

'Property is theft'. Pierre-Joseph Proudhon, 1840

How do things acquire properties hitherto not associated with them? This paper is based on the correspondence between colonial government officials posted in various locations in India, Whitehall and private individual about the disputed status of goods destined for the Indian pavilion at the Great Exhibition of 1862 in Crystal Palace in London, then referred to as the Exhibition of the Works of Industry and Art of All Nations. In following some of these claims of contested ownership and status, the paper argues that the differing final destinations (museums, private collections, laboratories, trade catalogues) of these objects not only adjudicated on their value but also laid the early foundations for the emergence of a more rigid regulation of traffic between the world of commerce and culture. In their reading of these changes, historians of art as well as of empire have tended to explain the shifts in the status of these objects as effects of colonial knowledge and its attendant classificatory regimes (see for example Cohn, 1996). An anthropological lens however, allows us to open up this question in an altogether new direction. In following the journeys of these objects, I argue that the change in status was far from a one-sweep reclassification and was instead effected through a series of exchange transactions through which property in and of these objects was first leeched away and then inscribed anew. Following some of these journeys of acquisition reveals that not only did these objects change hands in terms of ownership, but they also acquired new qualities and came to be recognised in new ways that ultimately assisted in

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stabilizing their sometimes liminal or fragile status. Sovereign power lay in the ability of the state to misrecognise these objects and the terms of transaction under which they were mobilised. In disaggregating the processes through which new ownership and new qualities were conferred on these objects, the paper brings to light the range of exchange and property relations that underpinned colonial state power and sovereignty in British India.

Property and sovereignty are seen to belong to two distinct legal domains: public law and private law (Cohen, 1927). But there are enough instances in history where sovereignty has been constituted precisely and solely through the ability to (re)define property and property relations. The doctrine of *terra nullius* in settler colonies and the collectivisation of private property under the Soviet and communist regimes of Eastern Europe in the twentieth century are prime examples of forcible acquisition of property and dispossession of title as exercise of sovereignty and state power (See Humphrey, 1983; Povinelli, 2003; Verdery, 2003). For reason of revenue alone, the modern state has had a fundamental interest in all property and property forms. In recent years, advances in information, communication and bio-cultural technologies new forms of property and new ownership structures in new entities and have in turn made for new challenges for the state in this regard. These new forms of ownership structures range from severely restrictive (eg. the non-patentable biogenetic substances) to open-ended ownership (eg open source software) and each have posed its own problems in relation to their governance and adjudication by the state, not least because as property forms, these new entities are inherently translocal.[i] Even as these property forms move from the domain of the real to that of the virtual and intellectual property, the difficulties in determining or establishing ownership are made only more acute (Boyle, 2003). But in my engagement with an older archive I find echoes of these current ownership debates in contexts that

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are not mediated by either the latest advances in technology or by more enduring questions of land and territory. What is common to the more recent contexts of techno-property making and these nineteenth century objects is the articulation of a more fundamental question – that of property as a power relationship, particularly state power. At the core of this paper then is the concern for understanding the state as a proprietor and the place of property in the constitution of its sovereignty, and specifically its property in things, through *res nullius* and theft. Following the contested journeys of the objects dispatched from colonial India for the Great Exhibitions of 1851 and 1862 from the perspective of exchange allows for an insight into the state as a proprietor and its complex modus operandi in acquiring all manner of property. At the same time, it allows for bringing to the anthropology of objects and things a perspective on the interplay of the agentive power of objects and the sovereign power of the state.

My interest here is thus not in understanding how 'newness' comes into the world and makes it modern, but what happens when newness comes to pre-existing objects that make the world. As an anthropologist, I read this colonial archive to capture the salience of colonial governmentality and its modalities of exchange in and through which new forms of property and property relations emerge. To do so, I engage with the recent thinking in anthropology that has come to question hard distinctions between persons and things, subjects and objects, material and symbolic cultures (Henare et al. 2007; Pottage 2001; Strathern 1988, 1999). Marilyn Strathern's work on the mutability of persons and things in gift and commodity exchange has been foundational for much of this thinking. In one of her most important works *The Gender of the Gift*, Strathern alerts us to the indistinct status of persons and things in commodity and gift exchange (Strathern, 1988). Whereas in commodity exchange, both persons and things are rendered as things, in and through gift exchange both persons and things become persons

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(Strathern, 1988; See also Pottage, 2001). She strongly argues for paying attention to the distinction between persons and things as an artifice – an artifice which is revealed or given life-form in our ideology of exchange relations. Recently, Henare et al. (2007, p.2) have called for an 'artefact-oriented anthropology', where 'things' are studied ethnographically not as material culture, where culture is read back into them to lend them meaning but as culture per se, so that they themselves become the concepts through which we can read social relations. Alain Pottage following Strathern, dismantles the presuppositions of separateness of persons and things in the legal imaginary, especially in relation to property and property rights, and the challenge posed by the idea of the potential in configuring biotechnological patents to legal thinking (Pottage, 2001). He is concerned with the legal capacities associated with the notion of 'attributes' of a person compared to 'properties' of things, particularly in relation to the concept of potential and the limits on their transactability. These distinctions pose great difficulties, if not torn asunder when the property has life-form, eg patents in bio-substances. Analogously, (Callon et al., 2002) investigate the series of actions that bestow new qualities and transform a good into a product. Following Pottage and Callon et al., the paper takes up the question of 'potential' for non-living things as they become animated through exchange to understand better the mutability of objects destined for the Great Exhibition of 1862 and its significance in the making of new forms of property and property relations. But I enhance their discussion by bringing in to the field the place of power and especially state power in generating fragility as well as mutability of property forms.

The Great Exhibitions were pageants of empire (Auerbach & Hoffenberg, 2008; Greenhalgh, 1988; Harvey, 1996; Hoffenberg, 2001; Nair, 2002), and were at once an archive of the aesthetic as well as an archive of cultural display (Mathur, 2007). Much has been written about their displays of difference (Breckenridge, 1989; Hoffenberg, 2001;

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Kriegel, 2001), their role in the making of contemporary taste (Mathur, 2007), and their status as precursors of cultural consumerism (Hetherington, 2007). The Exhibitions articulated the relationship between the metropole and the colony and the significance of the transnational flow of goods that was central to the idea of the empire (Breckenridge, 1989). Historians of South Asia have attended to these Exhibitions as exemplars of the effects of colonial knowledge and its classificatory regimes. Bernard Cohn was amongst the first to alert us about the deep transformational effects of colonial classificatory strategies such as the census (Cohn, 1996). Cohn brought to light the early colonial conceptualisation of India as 'a museum of the European past' (Cohn, 1996, p. 93) and the effects of such a conceptualisation on the periodization and classification of Indian art and architecture (Cohn, 1996,p. 76-105). He explained the transformation of everyday goods into antiquaries in the late eighteenth century as a consequence of the survey and enumerative modality of colonial governmentality in the late 18th-early 19th century. Following Cohn, scholars have attended specifically to the circulation of colonial scientific knowledge and objects in and through these Exhibitions (Nair, 2002) and shown how practices of scientific archaeology, art history, and collecting sensibilities in the colonial India made for a very particular imagining of the national pasts (Guha-Thakurta, 2004; See also Hoffenberg, 2001; Kriegel, 2001). These are important interventions in our understanding of the workings of colonial power and the multiple modalities through which imperium was constituted, and I draw the historical context directly from these accounts. However, my interest in reading the archive is not so much to re-frame the historical argument about empire or indeed re-examine the role of these Exhibitions in the formation of contemporary cultures of consumption. Rather, my interest lies in the motor of the flows through which these objects leave their original location and end up on a different continent and in tracing a phase in their biographies (cf Appadurai, 1986,p.

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17; Kopytoff, 1986) that came to articulate nation and empire as they traveled from one context to another. While scholarly attention has been paid to how these displays came to provide framework and solidity to empire, I argue that this solidity comes about in and through the malleability if not fragility of the objects of display as they move from one context to the other and the transactions through which these objects became mutable mobiles.

From property to *res nullius*

In 1859, W Grey, the Secretary to the Government of India in Whitehall, London sent a circular to relevant officials in the various provinces of British India giving them extensive instructions on the process of acquiring articles for the upcoming Exhibition in 1862.

> '[L]ists finally prepared […] should specify against each article in what manner it is intended by the contributor that it should be dealt with. Contributors should directed to state whether thy wish their contributions be returned to India, or to be sold in England for their benefit. In the latter case the price of the article must be named and it must be clearly stated whether, in the event of that price not being procurable, it is desired that the article be sold for what it will fetch, or that it be returned to India. In the case of articles being returned to India, every care will be taken to secure them from injury in transit but it must be understood that the Government cannot guarantee their return undamaged. *When articles are sent without any instructions, it will be assumed that they are intended to be presented to the Exhibition*. These points should be clearly explained to all those who offer to contribute articles to the Exhibition."

(National Archives of India (hereafter NAI)/ Home/Public/A Proceedings/ May 13, 1861/ No. 16.)

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The letter set off a chain of transactions and exchange strategies that both articulated and consolidated the colonial state's power over Indians and their possessions. The main emphasis of the letter was to impress upon the officers the need to observe prudence in terms of expenditure in acquiring objects for the Exhibition.[ii] Grey underscored to his colleagues that Her Majesty's exchequer would not be able to bear the scale of expenditure that was incurred in purchasing articles for the first Great Exhibition of 1851. The total budget outlay for 1862 to buy and transport articles from India was set at Rs 100,000, which was significantly lower amount from the previous effort for the 1851 Exhibition.[iii] Even though the budget was cut, the number of specimens requisitioned and acquired were far in excess of the previous Exhibition:

> '2699 specimens were sent by sea, exceeding the collection of 1851 by 1237. Valuable textile fabrics, silks and brocades as well as works of art, which remain to be forwarded by the overland route, comprise nearly 2000 articles which will bring up the total number of the collection to nearly 6000 specimens, *double* of what has been sent in 1851.'

(Report on the results of the arrangements for the forthcoming Exhibition of 1862, submitted to the Central Committee for Bengal at the meeting held on the 6th of January 1862. NAI/Home/Public/A Proceedings/ 1 February 1862/ p.1.)

The cut in the budge also meant that the volume of articles for display had to increase while keeping down the cost of acquisitions for the government. Grey's letter outlined in some detail the kind of measures local officials could adopt to keep these costs low. The circular proposed novel interventions aimed at disturbing and disrupting the usual chain of value accretion in order to achieve this stated goal. Two main forms of disruption to

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the chain of transactions were suggested: misrecognising or redefining the mode of exchange and/or disconnecting owners from their claim to their possessions. On Grey's suggestion, a new mode of exchange was introduced in to the process of acquisitions. He urged his colleagues to encourage "*private contributions*" – where instead of these objects being purchased or lawfully acquired by the state, private individuals were to be encouraged to send articles for the London exhibition, the cost of transport being borne by the British government:

> 'But his Excellency in Council would wish that any encouragement and assistance which can be afforded at a moderate cost should be given to private persons who may be desirous to send articles to the Exhibition, and with this object it seems desirable […] that the Government should signify its readiness to receive contributions for the Exhibition, take charge of them and forward them to England, the cost of conveyance being defrayed by Government'

(NAI/Home/Public/A Proceedings/ May 13, 1861/ No. 16.)

The expeditiousness of 'private contribution' as a mode of acquisition had emerged in the settling of disputes arising from the handing over of articles for previous London and Paris exhibitions. Its expediency lay precisely in the capacity to obfuscate the exact terms on which these objects were being sent and received. In one such instance, the family of one Lokenath Sonar of Cuttack wrote a petition in 1858 to the Government of Bengal, stating that as a family of goldsmiths, they had 'contributed' articles of jewellery of considerable value (Rs 1234) "at the desire of [Mr Samuels] the then Commissioner of Cuttack for the Paris Exhibition.[iv] The petition was written to ascertain from the colonial government what had become of their articles, as these had not been returned to them. The Sonars demanded that in case these articles had indeed been sold, they should be paid their due amount as they had had to borrow substantial amount of money to prepare the articles in the first place. The petition thus revealed their perfectly legitimate expectations of the transaction that they thought they had entered with the state. The official investigating this claim confirmed that although these articles were correctly entered in the original list of freight bound for the Paris Exhibition, the trail ran dry at a crucial point – shared by many such journeys. The existence of the articles belonging to the Sonars

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could not be traced once they ill fatedly reached the Queen's Warehouse on New Street in east London with the other surplus goods from the Exhibition.

Disappearance from the exchange network or becoming a 'lost' article or good was only one way in which title and 'owner' became disconnected from each other. In another instance, a private contributor, Baboo Bhyrooprasad of Jaunpur was convicted of treason and subsequently executed for the same, and his significant contribution listed in the table below, was summarily 'confiscated' by the state.[v]

Invoice Number	Article	Price Paid
8540	Piece of Kincob, brown colour	Rs. 295
8544	Red Scarf	Rs. 35
8545	Blue Scarf	Rs. 35
8540	Black Scarf	Rs. 70
8548	Pair of shoes	Rs. 25
8549	Doputta yellow (Silver)	Rs 575
8550	Doputta yellow (Gold)	Rs. 290
8551	Doputta Blue (Gold)	Rs. 275

(Table 1 *Source:* Extracted from letter no. 1085; Dated Allahabad 4th May, 1858, from JB Outram, Secretary North West Provinces, to Cecil Beadon, Secretary to the Government of India, Home Department, Fort William, NAI/Home/Public/A Proceedings/Consultation of 7th May 1858/No. 26-27)

The accounts of Bhyrooprasad and Lokenath Sonar in themselves are hardly startling or unsettling, as they fall well within the shared, familiar and in fact ongoing narrative of

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empire, where theft and expropriation formed routine modalities of exchange. But what the archive reveals is that this expropriation was achieved not in one swift swoop or even by a single logic, but rather in several steps sometimes motored by differing logics. While Sonar's goods disappeared from the visible chain of transactions, making for an erasure of any prior title so that their status and ownership could be inscribed afresh, Bhyrooprasad's deprivation of title to his belongings was premised on a prior deprivation of legal personhood as a result of treason and its entailed rights.

It was only in the handful of cases where expropriation was as neat as in the case of Bhyrooprasad's, where the original owner could not have any legal recourse to titular claim. The majority of the cases fell more in the blurred zone of appropriation, loss, and disappearance, such as in the experience of Lokenath Sonar's family. In their case, the proprietary title clearly remained with Lokenath and his family in as much as this was his 'contribution' to the Exhibition. What remained obscured to the Sonars (and others like them) was why the goods from the almirah in the Queen's Warehouse on New Street in East London never made it back to their respective owners. Disappearance form visibility was the first step thought which theft proper was put into motion. Obfuscation and loss thus became the grounds on which their proprietary title was effaced over time and the modality of 'contribution' therefore became key to effecting an osmotic transfer of ownership. Contribution as a mode was imbued with voluntarism, and therefore it made any claim of reciprocity– whether of symbolic or material equivalence, redundant.

But contribution was not the only mode through which such redundancy of reciprocity claims was sought to be achieved. The other ambiguous transaction of 'presentation' too raised all sorts of problems.

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> 'In 1851 and 1855 large contributions were obtained from private individuals the greater portion of which was returned in the lists as "presented" to the Exhibition, yet none of the articles were made over to the Commissioners for the Exhibition but were considered the bona fide property of the late East India Company and disposed off accordingly.'

(AM Dowleans, Secretary to the Central Committee for the Collection of Works of Arts and Industry, Government of Bengal, To: William Grey, Secretary to the GOI, Whitehall, No. 178; Dated 4th November 1861; NAI/Home/Public/A Proceedings/15 November 1861/No. 18-19)

It was clear that the modality of presentation did not clinch the proprietary status unambiguously in favour of the recipient, which was further complicated by the fact that the recipient was deemed to be the Exhibition itself. What was the Exhibition – a legal person vested with the capacity to 'receive' presentations and participate in the cycle of exchange, or an event merely marked by exchange relations occurring during its limited duration rather than having the capacity to participate itself? As the statement cited above revealed, it was not exactly clear who 'owned the 'Exhibition', or whose Exhibition was it – the Crown's or the East India Company?[vi] In any case, those making the presentations were in fact quite clear to whom they were making those presentations and under what conditions.

> "I deemed it right to ascertain the sentiments of the several gentlemen at the Presidency who have presented a variety of articles to the "Exhibition", and each and all state that their contributions are presented to Her Majesty's Indian Government, and *not* to the "Exhibition."

(AM Dowleans, Secretary to the Central Committee for the Collection of Works of Arts and Industry, Government of Bengal, To: William Grey, Secretary to the GOI, Whitehall, No. 178; Dated 4th November 1861; NAI/Home/Public/A Proceedings/15 November 1861/No. 18-19)

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It was important for the government to assert its status as the one to whom these contributions were made. AM Dowleans, the Secretary Generatl to the Centeral Committee for the Collecton of Works of Arts and Industry, Government of Bengal wrote to Grey cautioning against the misuse of ambiguity over the exact recipient. Citing examples from the 1851 collection drives, he wrote:

> '[…] a variety of specimens of local manufactures and natural products, which in the lists of the several local Committees are returned as "*presented* to the Exhibition". The aggregate value of these contributions is but small, still the majority of the specimens is such as will form a valuable addition to the India Museum in London; but if forward as "*presentations*" to the Exhibition it might happen that they may be claimed by Her Majesty's Commissioners for the Exhibition as their property.
>
> In 1851 and 1855 large contributions were obtained from private individuals the greater portion of which was returned in the lists as "presented" to the Exhibition, yet none of the articles were made over to the Commissioners for the Exhibition but were considered the bona fide property of the late East India Company and disposed off accordingly.'

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While the East India Company had deemed itself to be the recipient and not the Crown, the presenters were in fact making a prestation to the Crown in order to initiate a different kind of a cycle of exchange and reciprocity. In order to seal off such competing claims for these prestations and thereby status, Grey suggested that the category of contribution be given primacy.

> '[…]I think that to prevent any misunderstanding as to the real meaning of the term "presented' it would be better to substitute the word "contributed", leaving it to Her Majesty's Secretary of State for India to decide that question, should His Excellency the Governor General in Council not feel disposed to pass any definite orders on the subject."

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(No. 178; Dated 4th November 1861; AM Dowleans, Secretary to the Central Committee for the Collection of Works of Arts and Industry, Government of Bengal, To: William Grey, Secretary to the GOI, Whitehall, NAI/Home/Public/A Proceedings/15 November 1861/No. 18-19)

Hence, senior colonial officials in Whitehall and in India repeatedly instructed their district commissioners to enlist private contributions. These contributions took the form of a variety of goods, including raw materials, textiles, manufactured and industrial goods, as well as philosophical instruments. It doing so, they wer asked to enlist them as 'contribution to Her Majesty's Indian Government', and not "contribution to the Exhibition" because

> '[…] the whole of the expense of the transmission of such contributions is defrayed out of the public revenue, the articles themselves must fairly be considered as the property of the government'.

(AM Dowleans, Secretary to the Central Committee for the Collection of Works of Arts and Industry, Government of Bengal, To W Grey, Secretary to the Government of India. No 178; Dated 4 November 1861, NAI/Home/Public/A Proceedings/15 November 1861/ No 18-19).

This then was the first manouevre to secure state ownership of these goods in transit. Such an emphasis on 'private contribution' ensured that though the budget outlay was half of that for 1851, the 'contributions' collected were nearly three times of the goods collected the previous Exhibition.

In two swift movements then, ownership shifted from the original (and rightful) owner to the imperial state. In bearing the cost of the freight, the British government inserted itself in the value-chain and thereby in its own reasoning acquired a claim to the good

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itself. Converting the nature of transaction to the more ambiguous category of contribution imbued the presentation with volition rather than forcible acquisition and thereby divested from it any claim to reciprocity, propitiation, compensation, or return – whether for a gift, sale or loan. Thus by the time these goods reached the almirah of surplus goods in the warehouse in New Street, there remained no other rightful owner on the horizon other than the Crown itself. This then was *res nullius,* the thing version of *terra nullius*: wherein these objects were treated as if there were no prior relations of title that needed to be attended or indeed recognized and respected. It was in these moves of misrecognition and non-recognition that sovereignty was exercised and produced where the real terms of exchange were never revealed to the presenter, contributor or trader. The senders of these presentations, prestations, gifts and simply trade samples, were repeatedly frustrated by the recipient (the colonial state) in failing to meet its obligation to return, protect, reciprocate or pay back. Nowhere in this extensive correspondence replete with instructions do these obligations of the recipient ever get clarified, while all along the emphasis remains singularly on acquisition.

The properties of things

While the Great Exhibition of 1851 showcased objects from different parts of the world, which had been selected for display for their aesthetic difference (Mathur, 2007) objects for the 1862 Exhibition on the other hand were chosen not for their aesthetic qualities alone, but importantly also for their industrial potential. As many as 7358 specimens of indigenous manufacture were dispatched from India, their Borgesian catalogue below:

No. of specimens	Specimens Type
345	Ores and non-metallic substances

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42	Mineral products
46	Alkalies, earths and their compounds
68	Oilseeds
70	Oils
19	Essential oils
25	Starches
35	Resins and gum resins
29	Gums
21	Intoxicating drugs
549	Medicinal substances
297	Cereals
84	Pulses
8	Dried fruits and seeds
71	Spices and condiments
30	Sugars
18	Distilled spirits
146	Substances used in preparation of drinks
25	Substances used in the preparation of food
36	Raw wool
48	Raw silk
23	Downs and Feathers
4	Furs, skins and hides
18	Ivory, horns and shells
85	Pigments and dyes
13	Tanning substances
220	Fibrous substances
657	Times, reeds and grasses
67	Cordage materials
5	Railway plant

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25	Manufacturing machines and tools (models)
67	Armour and accoutrements
1	Philosophical instruments
11	Photography
1	Horological instruments
251	Manufactures in cotton
22	Manufactures in flax and hemp
193	Manufactures in silk
29	Manufactures in Woollen and Worsted
35	Carpets
1062	Tapestry, Lace and Embroideries
37	Skins, furs, feathers and hair
10	Leather, including saddlery and harness

(Table 2 *Source:* Extracted from the *Final Report of Central committee for the Collection of Arts and Industry on the results of the arrangements made in furtherance of the objects of the Exhibition of 1862*, AM Dowleans, Calcutta, 15 March 1862; NAI/Home/Public/A Proceedings/2nd April 1862/No 1-3.)

The collected goods and articles were classified into raw materials, machinery, manufactures and works of art. Protocols of description were standardised culminating in the production of an exhaustive catalogue of the displays from India (Dowleans, 1862). One of the enduring legacies of these descriptions and catalogues is the standard format we associate museum displays today –comprising of place names, craft type, and material used. Despite extensive work going into the catalogue format and protocols, many of the collected objects were neither easily works of manufacture nor a work of art in the prevailing sense, thus posing a significant challenge account of assessing their value as well as their rightful place in the display.

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It was decided that the classification of objects and the assessment of their value were both to be derived from the production process, which too did not get rid of the problem. For example, classifying stoles, shawls and doputtahs proved to be difficult not only because being unstitched items they were originally classified as 'textile' but that as handwoven products, the task of assessing their so-called 'intrinsic value' was even trickier. Some stoles were displayed by their descriptive name such as the *kinkob*, or *khimkhab*. This brocade from Benaras was classified simply as textile manufactures even though it had been woven and embellished with 'pure thread' (or, thread made of real silver or gold). For most other stoles and doputtahs, classification was decided after much debate and they were eventually entered as 'items of clothing' as opposed to 'textile', emphasising their original and intended usage. Being hand-woven pegged most of these articles low on the scale of industrial manufacturing, and as such low in value. But it was argued that much of the value of these stoles and shawls lay in not the process of manufacturing of the fabric but rather derived from the secondary work done on them. Embroidery, which was manual and hence considered even more primitive than their process of manufacturing itself, therefore made for a very low assessment of these shawls and stoles.

> '[M]ost valuable fabrics of India are of a description which would render it somewhat difficult to assign to them the proper class in which they ought to be exhibited. Thus for instance, Class 27, "Articles of Clothing" would comprise an immense variety of fabrics, which constitute "clothing" in *India* [emphasis original], but which in Europe come within the meaning of manufactures in "cotton", "in silk", "embroideries", etc. To overcome the difficulty, I have adopted the plan of classifying all such manufactures according to the peculiar workmanship for which they are valued. Thus for instance, though Cashmere shawls most undoubtedly would come within Class 21, "Manufactures in Wool", their great merit consists in their embroidery and thence they have been classed among embroideries. The splendid doputtahs or shawls from Benaras are articles of clothing worn by wealthy natives, but their beauty consists in the fineness of

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> the texture of the silks and the interweaving of the gold and silver threads and I have accordingly classified them among manufactures of silk.'

(Report on the Results of the Arrangements for the Forthcoming Exhibition of 1862, submitted to the Central Committee for Bengal at the meeting held on the 6th of January 1862. NAI/Home/Public/A Proceedings/1 February 1862/No. 1-2.)

As the Exhibition of 1862 was explicitly concerned with the manufacturing potential of the colonies and the place of the Britain on the industrial world, the specimens from colonies such as India had to be adjudicated not only in terms of their intrinsic value or aesthetic qualities, but now also from the viewpoint of their industrial potential. Historians have alerted us about the self-identification of metropolitan superiority that was relied on as well as produced in the transformation of these goods into inferior products (Breckenridge, 1989; Hoffenberg, 2001). Specimens were noted to have had no special quality, unless there was an explicit British intervention that had been inserted into the production process. Judging the collection sent to England one official remarked,

> 'Passing to the collection sent, I would first observe that in making it the Committee was forced to set aside the rule that 'all works of industry intended for the Exhibition should have been produced since 1850'. Had the Committee bound themselves by this rule they would have had little to send to the Exhibition beyond raw produce.'

(From Publication of the Catalogue of exhibits collected for the London Exhibition of 1862: Report of the Central Committee Bengal. NAI/Home/Public/A Proceedings/1 February 1862/No. 1-2).

This revealed a further difficulty – that of innovation in relation to culture. According to the committee overseeing the collection of goods for shipment, there had hardly been any

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'improvement' in the manufacturing process or indeed in the quality of the manual work. The demand for an emphasis on goods with industrial potential and manufacture for display in the Exhibition was therefore perceived as difficult to meet. One of the ways in which this difficulty could be overcome it was thought if these goods were accompanied with illustrations of their manufacturing process. The illustrations could highlight the *potential* not in the good itself but in the production process of so-called primitive goods, one that could yield to an increase in value through European intervention, for it was believed that it was only under European superintendence that potential of native skill and art be fully realised:

> 'Apart form being interesting and instructive, it would be the means of showing the crudeness and almost primitiveness of the implements and machinery by which some of the most valuable fabrics and staple articles of this country are produced and it may thus lead to considerable improvement.'

(From AM Dowleans to EH Lushington, Secy to the Govt of Bengal, No 44, dated 20 July 1861/NAI/ Home/A Proceedings/ 15 August 1861/ No 73-75)

Moreover, India had well been established in the colonial imaginary as a place of timeless traditions and so not only were these production processes primitive when compared to industrial mechanisation, but were also insulated from any discernible technological improvement for centuries. Because innovation was conceptualised purely in incremental and industrial terms, i.e. as *improvement* in the production or manufacturing process, therefore none of the articles were considered as particularly innovative. The odd philosophical instrument (used for the trigonometric survey of India), and an assortment of medicines from Bombay Bazaar thus comprised the handful of 'scientific objects'. Their potential lay in what Michel Callon et al. call 'the possibilities of qualification and

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requalification' of their status (Callon et al., 2002, p. 200). Callon et al. describe the series of transformation of things as they change their status from good to product (ibid). This process of singularisation through which the qualities and thereof their intrinsic value or status becomes (temporarily) stabilised until the next moment of transformation is achieved through a sequence of negotiations (Callon et al., 2002, p. 199)). While this insight finds resonance with the material on the Exhibitions, the domain of these negotiations as well as action are radically different in the two contexts. Callon et al. are interested in the production of consumer goods or products and how qualities and characteristics become attached to them as they present themselves in the market. In the context of the Exhibitions, objects undergo qualification and requalification not in the process of production but in and through exchange and adjudication involving a colonial state. Here, the critical actant that defines the career of these objects is sovereign power and not market force. The adjudication on their qualities and characteristics is nevertheless to ascertain their potential in the world of market goods (or trade). Colonial conceptualisation of potential is in the form of incremental improvements aimed at ultimately achieving an industrial status. What these Indian goods lacked in intrinsic value, they are seen to more than make up for in the *potential for intervention* and improvement and raw materials that could service the processes of industrial innovation afoot in Europe.

The potential lay in not just the improvement that processes of manufacture could be subject to but also in the kind of exchange relations these objects could precipitate and/or participate in. Their capacity for participation and precipitation of exchange in part depended on the status of their owners and their potential for participating or precipitating certain kinds of exchange relations. Utilitarian objects, such as wooden chests and caskets – though of arguably comparable level of fine craftsmanship as a *kinkob*

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or Benaras brocade, sometimes inlaid with expensive ivory, were considered of too little value to justify the cost of their freight. The manufacturers of such caskets and chests were asked by the procurement committee to supply these in greater numbers than the one-off piece so that the volume of sales could generate adequate surplus value. Such assessments of qualities and characteristics produced an enduring legacy because it was in these differential attributed values that early distinctions between tradeable (artisanal or handicraft) and collectible objects emerged, each governed by a different mode of exchange and circulation. Artisanal goods or 'handicrafts' such as caskets, etc were supplied directly by the manufacturers themselves and with an explicit aim to generate interest from potential buyers in the future. At the time, they were summarily decried for their low value and manufacturers were asked to send these in bulk in order to recover costs:

> 'The blackwood furniture and inlaid work of Bombay and the agate of Cambay however leave nothing to be desired. The quantity of inlaid work would indeed be excessive were it intended for Exhibition simply. But the Committee has had another object in view in purchasing articles that were likely to sell well at the close of the Exhibition, viz. to reimburse Government so far as possible the expenses incurred by them on the Indian contributions and as the expenditure on the bulk of these would be a dead loss, it was considered desirable to multiply so far as was not inconvenient such as were likely to realise a profit.'

(From George Birdwood, Secretary to the Bombay Central Committee, to the Secretary to the Government, General Department, Bombay Town Hall, No 26 of 1862; Dated 11th April 1862. NAI/Home/Public/B Proceedings/9 May 1862/ No 55-56.) [vii]

It is of course in due course that these handicrafts are re-qualified in the sense of Callon, et al and become desirable consumption articles in their own right, available to be bought

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at departmental stores like Liberty in London (Mathur, 2007, p. 27-42), or on display as a stable category at future industrial and art fairs (Mathur, 2007, p. 52-79; Stuart, 1911)

The contributors of the so-called collectibles tended to be members of the landed aristocracy and wealthy Indian merchants – some of who may well have pawned these articles in lieu of patronage in the wake of the Mutiny of 1857.

> 'Among the collection of works in silver, I would draw attention to a fountain of solid silver, presented by Rajah Deonarain Sing [sic] of Benaras. Though the workmanship is extremely rough, and indeed much below the average of what native silversmiths produce, it is distinguished by novelty of design, which is entirely oriental. The same Rajah has contributed to the Exhibition, a splendid silver vase, manufactured by native artisans under the superintendence of Messrs Allan and Hayes, the Government Jewellers of Calcutta, and presented to him by His Excellency the Governor General and Viceroy of India in acknowledgement of his faithful attachment to the British Government during the rebellion of 1857.'

(AM Dowleans, Calcutta, 15 March 1862. Ibid.)

As the date for the Exhibition drew closer, more and more private individuals refused to make contributions, insisting on their goods be purchased. The subsequent usurpation of many of these articles whether tradable or collectible, was contested, even if for differing reasons. But only in a handful of cases, the usurpation was easy, such as that of Bhyrooprasad of Calcutta who was charged with treason in January 1861, and his *kinkob* and Benaras brocade *doshalas* could be given the status of confiscated for the Exhibition by the state. Many petitions and letters ask the government for sending these unsold goods back – or then reimburse the sale money to the original owners. That of course never happened. In the almirah of surplus goods – now deemed as gifts to the Crown, or simply its property, they came to form, among other things, the resource from which is built the India collection of the Victoria and Albert Museum.

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Sovereignty in the almirah of surplus goods

The ability to annex, capture or deny property to another have been common and the most legible marks of sovereignty (Benton & Straumann, 2010). At the same time, the ability to possess private property held as a basic individual right and building block of legal personhood under liberal law. For India, the centrality of property in configurations of sovereignty, or its lack, was most famously elaborated by Ranajit Guha in *A Rule of Property for Bengal* (1982). Guha argued that colonial rule was inaugurated in the reconfiguration of property relations with a view to introducing a new revenue regime but which had deep social and political effects well beyond the agricultural and land-owning classes. Guha's work brings to centre-stage the foundational work of the land, ownership and revenue regimes, and its restructuring in providing solidity to colonial sovereignty. Scholarship on property and property relations in India has since been dominated by the centrality of land and land-reform and the role of the state to influence patterns of holding of private property (See eg. Agarwal, 1994; Wahi, 2014). Recent work on intellectual property, especially on the politics of pharmaceutical patents (Chandra, 2010), shareware and copy-left activism (Liang, 2005; Sundaram, 2011) and geographical indicators (Rangnekar, 2010) has undoubtedly begun to broach those property forms that are assisted by technological advances and where state sovereignty itself may stand to be undermined. In this paper, it becomes clear that not only does the property question need to be addressed afresh for colonial and postcolonial India, but also that there is a need to examine a diversity of property relations, in landed as well as non-landed forms of property, in and through which state power came to be constituted.

Elsewhere, I have examined the imaginary of *terra nullius* that pervaded the settlement of titular claims of indigenous communities and the underdevelopment of the

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question of indigenous title in the Constituent Assembly Debates at the cusp of Independence, which was crucial to the configuration of postcolonial sovereignty (Author, 2013). Although in non-settler colonies like India, a fundamental reconfiguration of property relations may not have been effected explicitly through the doctrine of *terra nullius*, *res nullius* was a much more pervasive experience (Benton & Straumann, 2010), nevertheless the ability state as a proprietor or an omnipresent potential proprietor was key constituent of its sovereign power. Unlike *terra nullius,* where the lack of recognition of any prior title was achieved in one swift movement through the promulgation of the doctrine, *res nullius* was achieved in a progressive leeching away of proprietary title, as the paper shows. Moreover, in contradistinction with the commonly held view in legal scholarship that *res nullius* was mostly invoked positively to defend native ownership in things and resources (Fitzmaurice, 2007, p. 8-9), the paper shows that for these objects that are acquired, contributed or presented for the Exhibition, this was simply not true. These objects were parsed away from their original owner and their location as they moved from households to museum display cabinets, acquiring along the way qualities of collectability, heritage, craft, and artistic or industrial potential, as they became stripped of other prior qualities. Their requalification too was not achieved in one swift move of forcible possession or straightforward theft. Instead, it required a series of moves of misrecognition: of title or then the terms of exchange itself, that endowed these objects with new qualities. It is in this capacity to misrecognise or deem an article actually sent as a trade sample or loaned for limited period of time, as a wilful 'contribution', that the violence of the (colonial) state in the making of public and cultural property lay. These journeys also provides a window into the emergence of cultural property and their distinctiveness from other property forms prevalent in India at the time. It is precisely in the disputed claims to ownership that things come to be recognised as

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cultural property, differentiated from other objects of similar age, function or source (Flessas, 2003, p. 1094), and crucially its ownership and circulatory regime. Scholarship has tended to focus on the reverse journey of many such objects from appropriation, museumisation and cultural commodification (Brown, 2003; Flessas, 2003; Mezey, 2007; Mathur, 2007). In attending to their onward journeys instead, this paper has shown that some of the journeys were more legible and stable than others (for example, those that ended in the Victoria and Albert Museum). Even though the journeys of a vast number of objects remain opaque, what is clear is their connection with the birth of heritage as the prime property of Indian culture, the importance of this notion to the ideals and ideas of national and cultural history, and not least to sovereignty itself.

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[i] The list of these works is too long to cite in full. See (Hirsch, 2010) for an overview of these recent developments. For intellectual property in biogenetic substances, see (Pottage, 2007; Strathern, 2005, p.95-110). For licencing and open source software, see (Boyle, 2007; Kelty, 2008, p.179-209)

[ii] NAI/Home/Public/A Proceedings/ May 13, 1861/ No. 16.

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[iii] NAI/Home/Public/A Proceedings/2nd August 1861/No 4-15

[iv] NAI/Home/Public/A Proceedings/ 9 April 1858/ No 84-89/ No. 510 of 24 March 1858/ pg. 3

[v] NAI/Home/Public/A Proceedings/3rd September 1858/No. 42

[vi] India was under the East India Company until the revolt of 1857, after which paramountacy passed on to the Crown. The 1851 Exhibition therefore was organised by the Company and not the Crown, leading therefore to the ambiguity of post-hoc responsibility.

[vii] George Birdwood went on to become a renowned authority on Indian crafts and author of *The Industrial Arts of India (*1880). On his career and contribution to this landscape, see (Mathur, 2007, p. 30-33.)